

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICKEY JAMES GRANDY,

Plaintiff,

-vs-

Case No. 14-CV-0694

JESSE SCHNEIDER,
WILLIAM POLLARD, and
SGT. GIZA,

Defendants.

DECISION AND ORDER

On August 8, 2014, the Court directed the plaintiff to either pay the full \$400 filing fee or file a motion for leave to proceed *in forma pauperis* by August 29, 2014. Instead, the plaintiff filed a letter advising the Court that Benjamin John Biese wrote the complaint in this case and that the plaintiff is not even done with his inmate complaint regarding the matter. The plaintiff asks the Court to either freeze this complaint until he is done with his inmate complaint or allow the plaintiff to file it again on his own behalf and in his own words. The second option is preferable. The Prison Litigation Reform Act of 1995 (PLRA), Pub.L. 104-134, 110 Stat. 1321 (1996), provides in pertinent part that

[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are

exhausted.

42 U.S.C. § 1997e(a). Exhaustion of administrative remedies is a condition precedent to suit. *Dixon v. Page*, 291 F.3d 485, 488 (7th Cir. 2002) (citing *Perez v. Wis. Dep't of Corrs.*, 182 F.3d 532, 535 (7th Cir. 1999)). It appears from the plaintiff's letter that Biese filed this complaint on the plaintiff's behalf before the plaintiff had an opportunity to exhaust his administrative remedies.

The Court will dismiss this case without prejudice and without charging the plaintiff the filing fee. This means that the plaintiff may file a new complaint (and initiate a new action) when he is ready, as long as it is within Wisconsin's six year statute of limitations. *See Wudtke v. Davel*, 128 F.3d 1057, 1061 (7th Cir. 1997); *Gray v. Lacke*, 885 F.2d 399, 409 (7th Cir. 1989).

IT IS THEREFORE ORDERED that this action is **Dismissed Without Prejudice**.

Dated at Milwaukee, Wisconsin, this 29th day of August, 2014.

SO ORDERED,


HON. RUDOLPH T. RANDA
U. S. District Judge